

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 254

## **HOUSE BILL 2486**

AN ACT

AMENDING TITLE 48, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7;  
RELATING TO ROAD IMPROVEMENT AND MAINTENANCE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 48, chapter 6, Arizona Revised Statutes, is amended  
3 by adding article 7, to read:

4 ARTICLE 7. ALTERNATE FORM OF GOVERNMENT  
5 FOR ROAD IMPROVEMENT AND MAINTENANCE DISTRICTS

6 48-1081. Definitions

7 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "CLERK" MEANS THE PERSON APPOINTED BY THE BOARD OF DIRECTORS TO ACT  
9 AS THE CLERK FOR THE DISTRICT AND TO PERFORM THE DUTIES OTHERWISE PRESCRIBED  
10 FOR A CLERK PURSUANT TO THIS CHAPTER.

11 2. "DISTRICT" OR "ROAD IMPROVEMENT AND MAINTENANCE DISTRICT" MEANS A  
12 COUNTY IMPROVEMENT DISTRICT THAT IS FORMED FOR THE PURPOSE OF IMPROVING ONE  
13 OR MORE ROADS TO LESS THAN THE COUNTY STANDARD AND PROVIDING FOR ONGOING  
14 MAINTENANCE OF THE IMPROVED ROAD OR A DISTRICT THAT IS CONVERTED PURSUANT TO  
15 SECTION 48-1088.

16 3. "SUPERINTENDENT" MEANS THE PERSON EMPLOYED BY THE BOARD OF  
17 DIRECTORS TO PERFORM THE DUTIES OTHERWISE PRESCRIBED FOR A SUPERINTENDENT  
18 PURSUANT TO THIS CHAPTER.

19 48-1082. Elected board of directors; initial members;  
20 qualifications; terms; filling vacancy; chairperson;  
21 qualifications of electors

22 A. AT THE OPTION OF THE BOARD OF SUPERVISORS AFTER PRESENTATION OF A  
23 PETITION REQUESTING THE ESTABLISHMENT OF A ROAD IMPROVEMENT AND MAINTENANCE  
24 DISTRICT, OR ON THE SUBMISSION OF A SEPARATE PETITION FOLLOWING THE  
25 ESTABLISHMENT OF AN IMPROVEMENT DISTRICT AS PRESCRIBED BY SECTION 48-903, AND  
26 SUBSEQUENT TO THE APPROVAL OF THE COUNTY BOARD OF SUPERVISORS, THE DISTRICT  
27 SHALL BE GOVERNED BY AN ELECTED BOARD OF DIRECTORS. THE ELECTED BOARD SHALL  
28 CONSIST OF THE NUMBER OF MEMBERS, BUT AT LEAST THREE, SPECIFIED IN THE  
29 PETITION FOR ESTABLISHMENT OF THE DISTRICT. THE FIRST DIRECTORS OF THE BOARD  
30 SHALL BE SELECTED BY THE BOARD OF SUPERVISORS AT THE TIME THE DISTRICT IS  
31 ESTABLISHED. MEMBERS OF THE BOARD OF DIRECTORS SHALL BE QUALIFIED ELECTORS  
32 OF THE DISTRICT AND, AFTER THE MEMBERS FIRST APPOINTED BY THE BOARD OF  
33 SUPERVISORS, SHALL BE ELECTED BY THE QUALIFIED ELECTORS OF THE DISTRICT.

34 B. IMMEDIATELY AFTER THE SELECTION AND QUALIFICATION OF THE FIRST  
35 DIRECTORS OF THE BOARD, THE DIRECTORS SHALL MEET AND DIVIDE THEMSELVES BY LOT  
36 INTO TWO CLASSES AS NEARLY EQUAL IN NUMBER AS POSSIBLE. DIRECTORS OF THE  
37 FIRST CLASS SHALL SERVE FOR A TERM OF FOUR YEARS AND DIRECTORS OF THE SECOND  
38 CLASS SHALL SERVE FOR A TERM OF TWO YEARS. EVERY DIRECTOR SHALL CONTINUE TO  
39 DISCHARGE THE DUTIES OF OFFICE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.  
40 THEREAFTER, AT EACH REGULAR ELECTION, ONE DIRECTOR FOR EACH EXPIRED TERM  
41 SHALL BE ELECTED AND SHALL HOLD OFFICE FOR A TERM OF FOUR YEARS, AND UNTIL A  
42 SUCCESSOR IS ELECTED AND QUALIFIES. THE DATES OF ELECTIONS AND OF EXPIRATION  
43 OF TERMS SHALL BE SPECIFIED IN THE PETITION FOR ESTABLISHMENT OF THE  
44 DISTRICT.

1 C. IF A VACANCY ON THE DISTRICT BOARD OCCURS DUE TO DISABILITY OR ANY  
2 OTHER CAUSE OTHER THAN RESIGNATION, THE BOARD OF DIRECTORS OF THE DISTRICT  
3 SHALL APPOINT A QUALIFIED ELECTOR OF THE DISTRICT TO FILL THE OFFICE FOR THE  
4 REMAINING PORTION OF THAT TERM. IF THERE IS A VACANCY ON THE DISTRICT BOARD  
5 DUE TO RESIGNATION, THE DISTRICT BOARD SHALL ACCEPT THE RESIGNATION AND  
6 APPOINT A QUALIFIED ELECTOR TO FILL THE REMAINING PORTION OF THAT TERM OF  
7 OFFICE. IF THE DISTRICT BOARD LACKS A QUORUM FOR ANY REASON FOR MORE THAN  
8 THIRTY DAYS, THE COUNTY BOARD OF SUPERVISORS MAY REVOKE THE AUTHORITY OF THE  
9 APPOINTED OR ELECTED BOARD OF DIRECTORS PURSUANT TO SECTION 48-1086.

10 D. THE BOARD OF DIRECTORS SHALL ANNUALLY ELECT A CHAIRPERSON FROM  
11 AMONG ITS MEMBERS.

12 E. IF ONLY ONE PERSON FILES OR NO PERSON FILES A NOMINATING PETITION  
13 FOR ELECTION TO FILL A POSITION ON THE BOARD OF DIRECTORS OF THE DISTRICT,  
14 THE COUNTY BOARD OF SUPERVISORS, BY RESOLUTION, MAY CANCEL THE ELECTION FOR  
15 THAT OFFICE AND APPOINT THE PERSON WHO FILED THE NOMINATING PETITION TO FILL  
16 THAT POSITION. IF NO PERSON FILES A NOMINATING PETITION FOR AN ELECTION TO  
17 FILL A DISTRICT BOARD OFFICE, THE COUNTY BOARD OF SUPERVISORS, BY RESOLUTION,  
18 MAY CANCEL THE ELECTION FOR THOSE OFFICES AND THOSE OFFICES ARE DEEMED VACANT  
19 AND SHALL BE FILLED AS OTHERWISE PROVIDED BY LAW. A PERSON WHO IS APPOINTED  
20 PURSUANT TO THIS SECTION IS FULLY VESTED WITH THE POWERS AND DUTIES OF THE  
21 OFFICE AS IF ELECTED TO THAT OFFICE.

22 48-1083. Compensation; expenses

23 A. EACH MEMBER OF A ROAD IMPROVEMENT AND MAINTENANCE DISTRICT BOARD OF  
24 DIRECTORS IS ELIGIBLE TO RECEIVE NOT MORE THAN SEVENTY-FIVE DOLLARS FOR EACH  
25 MEETING OF THE BOARD ATTENDED AND REIMBURSEMENT FOR NECESSARY TRAVEL EXPENSES  
26 FOR ATTENDING NOT MORE THAN FOUR MEETINGS OF THE BOARD DURING A CALENDAR  
27 MONTH. COMPENSATION SHALL BE PAID BY THE DISTRICT.

28 B. EACH DIRECTOR SHALL RECEIVE REIMBURSEMENT FOR NECESSARY EXPENSES  
29 WHILE ENGAGED IN OFFICIAL BUSINESS OF THE DISTRICT AS AUTHORIZED BY THE  
30 BOARD.

31 48-1084. Powers and duties of an elected or appointed board of  
32 directors

33 A. THE BOARD OF DIRECTORS OF A ROAD IMPROVEMENT AND MAINTENANCE  
34 DISTRICT ELECTED OR APPOINTED PURSUANT TO THIS ARTICLE SHALL HAVE ALL THE  
35 POWERS AND DUTIES OF THE BOARD OF SUPERVISORS SITTING AS THE BOARD OF  
36 DIRECTORS OF A COUNTY IMPROVEMENT DISTRICT FORMED FOR THE PURPOSES PRESCRIBED  
37 IN SECTION 48-909, SUBSECTION A, PARAGRAPH 1, 2, 3 OR 4, INCLUDING THE  
38 RELATED POWERS AND DUTIES PRESCRIBED IN SECTION 48-909, SUBSECTION B THAT ARE  
39 NOT IN CONFLICT WITH THIS ARTICLE.

40 B. THE BOARD SHALL APPOINT A CLERK AND EMPLOY A SUPERINTENDENT. THE  
41 BOARD SHALL ESTABLISH AND MAKE KNOWN AN OFFICE AND MAILING ADDRESS FOR THE  
42 CLERK AND SUPERINTENDENT.

43 C. ADDITIONS TO AND ALTERATIONS OF THE DISTRICT SHALL BE MADE IN THE  
44 MANNER PROVIDED FOR THE ESTABLISHMENT OF THE DISTRICT, EXCEPT THAT  
45 NOTIFICATION SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN

1 THE DISTRICT, PETITIONS SHALL BE FILED WITH THE DISTRICT BOARD AND ALL  
2 ACTIONS RELATED TO A PROPOSED BOUNDARY CHANGE ARE THE RESPONSIBILITY OF THE  
3 DISTRICT BOARD.

4 D. NOTWITHSTANDING SECTION 48-906, SUBSECTION D, ON APPROVAL OF ANY  
5 BOUNDARY CHANGE OF THE DISTRICT, THE DISTRICT BOARD MAY ORDER THE SUCCESSFUL  
6 PETITIONERS TO PAY ALL OF THE COSTS OF THE BOUNDARY CHANGE.

7 48-1085. Financial transactions of elected board of directors;  
8 review; veto authority

9 THE BOARD OF SUPERVISORS MAY REVIEW AND COMMENT BUT SHALL NOT HAVE VETO  
10 AUTHORITY OVER FINANCIAL TRANSACTIONS OF THE BOARD OF DIRECTORS OF A ROAD  
11 IMPROVEMENT AND MAINTENANCE DISTRICT ELECTED PURSUANT TO THIS ARTICLE.

12 48-1086. Revocation of authority of elected board of directors

13 THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH A ROAD IMPROVEMENT AND  
14 MAINTENANCE DISTRICT IS LOCATED AT ANY TIME MAY REVOKE THE AUTHORITY OF AN  
15 ELECTED BOARD OF DIRECTORS IN ORDER TO PROTECT THE RESIDENTS OF THE DISTRICT.  
16 ANY DISTRICT IN WHICH THE AUTHORITY OF AN ELECTED BOARD OF DIRECTORS IS  
17 REVOKED PURSUANT TO THIS SECTION SHALL BE GOVERNED BY THE BOARD OF  
18 SUPERVISORS AS PROVIDED BY SECTION 48-908 AND THE BOARD OF SUPERVISORS SHALL  
19 HAVE THE OPTION OF CALLING FOR NEW ELECTIONS FOR THE DISTRICT BOARD OF  
20 DIRECTORS.

21 48-1087. Reimbursement for county services

22 SERVICES PROVIDED BY A COUNTY TO A ROAD IMPROVEMENT AND MAINTENANCE  
23 DISTRICT ARE SUBJECT TO REIMBURSEMENT PURSUANT TO SECTION 11-251.06.

24 48-1088. Conversion of road improvement and maintenance  
25 district; notice; costs

26 A. A COUNTY IMPROVEMENT DISTRICT FOR WHICH THE ROAD IMPROVEMENTS ARE  
27 NOT BUILT TO THE COUNTY STANDARD, WILL NOT BE ACCEPTED IN THE COUNTY ROAD  
28 SYSTEM AND REQUIRE ONGOING MAINTENANCE MAY BE CONVERTED TO A DISTRICT UNDER  
29 THIS ARTICLE BY EITHER OF THE FOLLOWING METHODS:

30 1. A BOARD OF SUPERVISORS, BY RESOLUTION, MAY ORDER CONVERSION OF A  
31 ROAD IMPROVEMENT AND MAINTENANCE DISTRICT AFTER A PUBLIC HEARING CONDUCTED  
32 WITH AT LEAST TWENTY DAYS' NOTICE MAILED TO THE OWNERS OF REAL PROPERTY IN  
33 THE COUNTY IMPROVEMENT DISTRICT AS SHOWN ON THE MOST RECENT PROPERTY TAX  
34 ASSESSMENT ROLL.

35 2. THE OWNERS OF AT LEAST FIFTY PER CENT OF THE PROPERTY THAT IS  
36 SUBJECT TO AN ASSESSMENT TO PAY FOR EXISTING IMPROVEMENTS IN A COUNTY  
37 IMPROVEMENT DISTRICT MAY PETITION THE BOARD OF SUPERVISORS FOR A FINDING AND  
38 AN ORDER THAT THE COUNTY IMPROVEMENT DISTRICT BE CONVERTED INTO A ROAD  
39 IMPROVEMENT AND MAINTENANCE DISTRICT, AND AFTER CONSIDERATION OF THE PETITION  
40 THE BOARD, BY RESOLUTION, SHALL ORDER THAT CONVERSION.

41 B. ON ADOPTION OF AN ORDER FOR CONVERSION AS PROVIDED IN SUBSECTION A  
42 OF THIS SECTION, A COUNTY IMPROVEMENT DISTRICT IS CONVERTED TO A ROAD  
43 IMPROVEMENT AND MAINTENANCE DISTRICT AND FROM THAT DATE IS SUBJECT TO THIS  
44 ARTICLE. PURSUANT TO SECTION 48-1082, THE BOARD OF SUPERVISORS SHALL SPECIFY

1 THE NUMBER OF MEMBERS TO SERVE ON THE BOARD OF DIRECTORS OF THE DISTRICT AND  
2 SHALL APPOINT THE INITIAL MEMBERS.

3 C. ALL COSTS, EXPENSES AND ATTORNEY FEES INCURRED BY A COUNTY  
4 IMPROVEMENT DISTRICT AND BY ANY PETITIONERS IN SEEKING THE CONVERSION OF A  
5 COUNTY IMPROVEMENT DISTRICT ARE A LIABILITY OF THE ROAD IMPROVEMENT AND  
6 MAINTENANCE DISTRICT IF CONVERSION IS ORDERED. IF CONVERSION IS NOT ORDERED,  
7 ALL COSTS, EXPENSES AND ATTORNEY FEES INCURRED BY A COUNTY IMPROVEMENT  
8 DISTRICT AND BY ANY PETITIONERS IN SEEKING THE CONVERSION OF A COUNTY  
9 IMPROVEMENT DISTRICT ARE A LIABILITY OF THE COUNTY IMPROVEMENT DISTRICT.

10 D. ALL ASSETS AND LIABILITIES OF A CONVERTED COUNTY IMPROVEMENT  
11 DISTRICT BECOME THE ASSETS AND LIABILITIES OF THE ROAD IMPROVEMENT AND  
12 MAINTENANCE DISTRICT. THE ROAD IMPROVEMENT AND MAINTENANCE DISTRICT IS THE  
13 SUCCESSOR IN INTEREST OF THE FORMER COUNTY IMPROVEMENT DISTRICT AND SUCCEEDS  
14 TO ALL RIGHTS, PRIVILEGES AND POWERS OF THE FORMER COUNTY IMPROVEMENT  
15 DISTRICT WITH FULL RIGHTS TO COLLECT ANY DEBT, LIABILITY, OBLIGATION OR  
16 ASSESSMENT OWED TO THE FORMER COUNTY IMPROVEMENT DISTRICT AND TO LEVY  
17 ASSESSMENTS, ISSUE BONDS AND LEVY AND COLLECT TAXES FOR THE PAYMENT OF THE  
18 GENERAL OBLIGATIONS OF THE DISTRICT. A PERSON SHALL NOT BE RELIEVED OF ANY  
19 DEBT, LIABILITY, OBLIGATION OR ASSESSMENT TO A COUNTY IMPROVEMENT DISTRICT BY  
20 REASON OF ITS CONVERSION PURSUANT TO THIS SECTION.

21 E. FOR A ROAD IMPROVEMENT AND MAINTENANCE DISTRICT THAT IS CONVERTED  
22 PURSUANT TO THIS SECTION, THE FOLLOWING APPLY:

23 1. ANY PETITION THAT IS SUBMITTED PURSUANT TO SUBSECTION A, PARAGRAPH  
24 2 OF THIS SECTION SHALL CONTAIN A STATEMENT SUBSTANTIALLY SIMILAR TO THE  
25 FOLLOWING:

26 THIS PETITION FOR CONVERSION OF A ROAD IMPROVEMENT AND  
27 MAINTENANCE DISTRICT MAY RESULT IN ROADS THAT ARE NOT BUILT TO  
28 EXISTING COUNTY CONSTRUCTION STANDARDS, THAT WILL NOT BE  
29 MAINTAINED BY THE COUNTY AND THAT MAY BE MORE EXPENSIVE TO  
30 MAINTAIN THAN ROADS THAT ARE BUILT TO COUNTY STANDARDS.

31 2. ROADS THAT ARE CONSTRUCTED BY THE ROAD IMPROVEMENT AND MAINTENANCE  
32 DISTRICT SHALL BE BUILT TO A CONSTRUCTION AND DESIGN STANDARD THAT COSTS AT  
33 LEAST TWENTY PER CENT OF THE LIKELY COST OF A SIMILAR ROAD THAT IS BUILT TO  
34 EXISTING COUNTY STANDARDS.

35 3. FOR PURPOSES OF COMPARING THE COSTS OF ANY ROADS CONSTRUCTED OR  
36 IMPROVED BY A ROAD IMPROVEMENT AND MAINTENANCE DISTRICT PURSUANT TO THIS  
37 SECTION, THE COUNTY ENGINEER SHALL DETERMINE THE LIKELY COST OF A SIMILAR  
38 ROAD THAT IS BUILT TO EXISTING COUNTY STANDARDS.

39 4. THE COUNTY MAY REQUIRE THAT ANY ROADS CONSTRUCTED OR IMPROVED BY A  
40 ROAD IMPROVEMENT AND MAINTENANCE DISTRICT PROVIDE AN EASEMENT FOR COUNTY  
41 EMERGENCY AND SERVICE VEHICLES.

42 F. THIS SECTION SHALL NOT BE CONSTRUED TO AFFECT THE AUTHORITY OF A  
43 BOARD OF SUPERVISORS PURSUANT TO SECTION 48-1086.

~~APPROVED BY THE GOVERNOR JUNE 20, 2007.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 20, 2007.~~